

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Petition of Sumitomo Canada Limited)	
)	ET Docket No. 06-198
For Temporary Waiver of Section 15.117 of the)	
Commission's Rules)	

ORDER

Adopted: January 5, 2007**Released: January 5, 2007**

By the Chief, Office of Engineering and Technology:

1. By this action, we are granting a Petition for Waiver submitted by Sumitomo Canada Limited (Sumitomo) requesting a one year waiver of the digital television reception requirement (the DTV tuner requirement) in Section 15.117(i) of the Commission's rules for its specialized television healthcare video system.¹ Section 15.117(i) provides that all new television receiver products that are shipped in interstate commerce or imported into the United States must include DTV tuners effective March 1, 2007.² Specifically, we are granting Sumitomo a waiver of Section 15.117(i) to permit it to continue to market three TV receiver models used in its healthcare video system for a period of one year after the March 1, 2007 effective date of the DTV tuner requirement. The grant of this waiver, which is consistent with the Commission's grant of a one year waiver of Section 15.117(i) to PDI Communications Systems, Inc. (PDI) for two similar television receiver units,³ will serve the public interest by affording Sumitomo additional time to bring these specialized TV receiver products into compliance with the rules without compromising the Commission goal of ensuring that consumers are able to receive broadcaster's digital television signals.

2. In its Petition, Sumitomo states that it manufactures and distributes video systems designed specifically for the healthcare market. It indicates that these systems use arm-mounted television sets that are designed and approved specifically for the healthcare industry.⁴ It submits that its customers for these products include hospitals, dialysis clinics, and nursing homes. Sumitomo states that the television sets that are the subject of its waiver request - its Model K10-200, K10-300, and L-10 ELF (models K-10 and L-10) television sets - are functionally identical to PDI's PERSONA 9 and PERSONA 10 viewing unit models (for which PDI was granted an extension of the implementation date of the DTV tuner requirement) in that they provide the same applications and serve the same healthcare

¹ See Sumitomo Petition for Waiver (Sumitomo Petition), submitted September 8, 2006; *see also* 47 C.F.R. § 15.117(i).

² 47 C.F.R. § 15.117(i).

³ See In the Matter of Requirements for Digital Television Receiving Capability, *Order*, ET Docket No. 05-24, FCC 06-123 (rel. August 17, 2006) (*PDI Order*).

⁴ Sumitomo states that there are only two companies in the United States that sell arm-mounted television sets, itself and PDI, and that both use the same component suppliers. Sumitomo Petition at 2.

market as the PDI units.⁵ It further states that like the PDI units, its K-10 and L-10 sets are designed to be mounted on articulated mechanical arms and attached to a larger system that provides multiplexed video and power through a coaxial cable. Like PDI, Sumitomo indicates that its televisions use low voltage power that is provided through the coaxial cable connection and that this design feature reduces that risk of electric shocks to patients undergoing intravenous therapy.⁶ It further states that the K-10 and L-10 television sets display only signals that are sent through the coaxial cable from the central unit, although the central unit allows the healthcare facility to select cable, satellite, or over-the-air broadcast television programming as the source of video to the central unit.

3. Sumitomo submits that applying the March 1, 2007 DTV tuner deadline to its TV sets would impede its ability to deliver these specialized video units to the healthcare industry and thereby affect the quality of the healthcare experience for many patients. It states that as a consequence of the niche market for these products, the companies that design and manufacture the necessary component equipment have given first priority to television manufacturers that sell mainstream products in larger markets. Sumitomo further pleads that adhering to the deadline would place it at a competitive disadvantage with respect to its primary competitor in the healthcare video system market.⁷

4. Sumitomo indicates that it has already initiated discussions with its suppliers for the development of the components needed to comply with the DTV tuner requirement and anticipates that the process of bringing its systems into compliance with Section 15.117(i) will take an additional 12-18 months, which places it 6-12 months past the March 1, 2007 deadline. It argues that a short-term waiver would permit it to supply replacement units as it concludes the process of working with its suppliers to design and manufacture the necessary equipment in accordance with applicable safety standards. Sumitomo also submits that a waiver would not defeat the purpose of the rule, as its products cannot be used in the same manner as off-the-shelf consumer receivers. Sumitomo submits that these considerations warrant a 12-month extension of the DTV tuner requirement.⁸ No comments or replies were submitted in response to Sumitomo's Petition for Waiver in this matter.⁹

5. It appears that the Sumitomo healthcare video system and associated K-10 and L-10 television sets are designed and configured the same as those of the PDI system for which the Commission earlier granted a one-year waiver of the DTV tuner requirement.¹⁰ The Sumitomo products are specialized TV receivers that have features intended for use in healthcare environments and function only when connected to a Sumitomo centralized video system. In addition, Sumitomo's posture with respect to its suppliers and the healthcare equipment approval process is also the same as that of PDI. In particular, Sumitomo's position as a smaller manufacturer that must obtain approval for its products from healthcare industry regulators poses the same difficulties in making its K-10 and L-10 television sets capable of receiving broadcast DTV signals by the March 1, 2007 implementation date for the DTV tuner requirement as those faced by PDI. The 12-18 months of additional time that Sumitomo states it needs to bring its products into compliance is also consistent with that needed by PDI to address these same considerations. On this basis and consistent with the Commission's action in granting PDI a one-year

⁵ Sumitomo indicates that Model K10-300 replaces Model K10-200 and is identical except for the CRT component. Sumitomo Petition at 3.

⁶ Sumitomo states that its K-10 and L-10 television sets can be powered through the input cable with 25-35 volts AC or 18-32 volts DC, Sumitomo Petition, Exhibit 1, at 2 and 4.

⁷ Sumitomo Petition at 4.

⁸ *Id.*

⁹ Comments were requested on Sumitomo's Petition for Waiver in a Public Notice released October 31, 2006 (DA 06-2247).

¹⁰ See *PDI Order* at 2 and 3.

waiver of the DTV tuner requirement, we find that a similar one-year limited waiver of the Section 15.117(i) DTV tuner requirement is warranted to allow Sumitomo additional time to bring the existing models of its healthcare system television sets into compliance. This limited and temporary waiver will serve the public interest by allowing Sumitomo to bring its healthcare video products into compliance with Section 15.117(i) of the rules in a non-disruptive manner without otherwise compromising the Commission's goal of ensuring that consumers have the ability to view off-the-air broadcast digital television signals when analog television service ends on February 17, 2009.

6. In arriving at our finding that a one-year waiver of the DTV tuner requirement for the Sumitomo healthcare television sets is warranted, we remain mindful that the Commission's purpose in adopting that requirement was to maximize the number of DTV receivers on the market, and that its goal was that all new television receiver products include a DTV tuner as quickly as possible.¹¹ In granting a waiver of the DTV tuner requirement for PDI's healthcare television sets, the Commission was concerned that those products would not be able to receive off-the-air TV signals when analog service ends unless they include a DTV tuner but recognized the challenges PDI was facing in incorporating that capability into its television sets. We are similarly concerned that the Sumitomo television sets need to incorporate digital TV reception capability as quickly as possible so that those products will remain able to receive off-the-air TV signals when analog TV service ends. We believe the same one-year extension of the DTV tuner requirement afforded to PDI will also allow Sumitomo to bring its products into compliance in a manner that serves the public interest without otherwise compromising the Commission's goals for ensuring that consumers are able to view broadcasters digital TV signals.

7. We are therefore waiving the March 1, 2007 deadline by which television receivers must comply with the DTV tuner requirement for a period of one year for Sumitomo Canada Limited's Model K10-200, K10-300, and Model L-10 ELF television receivers. These products will be required to comply with the DTV tuner requirement beginning March 1, 2008. Sumitomo may continue to import and/or ship in interstate commerce units of its Model K10-200, K10-300, and Model L-10 ELF television receivers that do not include the capability to receive broadcast digital television signals until February 29, 2008; on March 1, 2008 and thereafter new units of those products that are imported or shipped in interstate commerce must comply with the DTV tuner requirement as set forth in Section 15.117(i) of the Commission's rules.

8. Accordingly, IT IS ORDERED, that pursuant to the authority contained in Sections 2(a), 4(i), and (j), 5(c), and 303 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 152(a), 154(i) and (j), 155(c), and 303 and Sections 0.31(j) and (m), 0.241(a)(3), and 1.3 of the Commission's rules, 47 C.F.R. §§ 0.31(j) and (m), 0.241(a)(3), and 1.3, the Petition for Waiver submitted by Sumitomo Canada Limited IS GRANTED under authority delegated by the Commission as indicated herein.

FEDERAL COMMUNICATIONS COMMISSION

Julius P. Knapp
Chief
Office of Engineering and Technology

¹¹ See *Second Report and Order* in ET Docket No. 05-24, 20 FCC Rcd 18607 (2006) at para. 6.